

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JUDITH HARMON,

Plaintiff,

v.

CASE NO. 06-10530  
HON. LAWRENCE P. ZATKOFF

LIVINGSTON COUNTY,  
a municipal corporation,

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM**

Plaintiff filed her Complaint on January 3, 2006, in Livingston County Circuit Court. Defendant removed the action on February 6, 2006, and the basis of federal question jurisdiction. Plaintiff's Complaint contains the following two counts:

Count I      Age Discrimination in violation of the Elliott-Larsen Civil Rights Act; and

Count II      Violation of § 1983 (Freedom of Speech).

*See* Complaint.

The Court has subject matter jurisdiction over Count II, because it arises under federal law. *See* 28 U.S.C. § 1331. Count I, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury.

*See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claim of Age Discrimination (Count I) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Count II).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 13, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 13, 2006.

s/Marie E. Verlinde

Case Manager

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